IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

WESTERN DIVISION No. 5:14-CR-244-BR No. 5:16-CV-78-BR

ANTHONY ARTIS,)	
Petitioner,)	
v.)	ORDER
UNITED STATES OF AMERICA,)	
Respondent.)	

This matter is before the court on Petitioner's motion to withdraw [DE-61] and request for abeyance [DE-62]. Petitioner moves to withdraw his ineffective assistance of counsel claims, set for hearing on August 20, 2018, previously asserted in his motion to vacate, pursuant to 28 U.S.C. § 2255, and for the hearing to be cancelled. [DE-61]. Petitioner also requests his section 2255 petition be held in abeyance pending a decision in the case of *United States v. Simms*, No. 15-4640 (4th Cir. 2016), which is scheduled for oral argument before a panel of the Fourth Circuit Court of Appeals on September 26, 2018. [DE-62]. The government has no objection to the relief requested. For good cause shown, the motions are allowed. The ineffective assistance claims are withdrawn, the August 20, 2018 hearing is terminated, and the motion to vacate pursuant to 28 U.S.C. § 2255 [DE-32], and amendments thereto [DE-37, -38], are held in abeyance pending a decision in *United States v. Simms*, No. 15-4640 (4th Cir. 2016). The parties shall file a status report within 14 days of the decision in *Simms*.

SO ORDERED, this the 15th day of August 2018.

Robert B. Jones, Jr.

United States Magistrate Judge